IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8714 OF 2004

Sunanda Rajaram Chavhan, .. Petitioner

Vs

1. District Deputy Registrar,

Co-op Societies, & ors. .. Respondents

Mr S.S.Patwardhan, for the petitioner.

Mr M.H.Solkar, AGP for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 22nd November, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Admittedly, the property in dispute has already been sold in pursuance of the recovery certificate issued under section 101 of the Maharashtra Co-operative Societies Act, 1960. The petitioner, who claims right in the said property, has already filed a civil suit for partition which is pending for disposal. It is open for the petitioner to pursue the said suit for determination of her right in the joint family property. I see no reason to exercise writ jurisdiction under Article 227 of the Constitution of India in view of the fact that the property has already been sold and the petitioner's

suit for partition is pending. The writ petition is, accordingly, dismissed.

3. Needless to express that the suit for partition will be decided strictly on merits in accordance with law.

(D.B.BHOSALE, J.)